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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/646,242	08/22/2003	Sandip Sarkar	030244	9397
23696	7590	10/06/2005	EXAMINER	
Qualcomm, NC 5775 Morehouse Drive San Diego, CA 92121			BOAKYE, ALEXANDER O	
			ART UNIT	PAPER NUMBER
			2667	

DATE MAILED: 10/06/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/646,242

Applicant(s)

SARKAR, SANDIP

Examiner

ALEXANDER BOAKYE

Art Unit

2667

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 22 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1-8, 22-32, 46, 48 and 50 is/are allowed.
- 6) ☒ Claim(s) 9, 33, 47, 49 and 51 is/are rejected.
- 7) ☒ Claim(s) 10-21 and 34-45 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 05/02/05.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

1. The PCT search report submitted on 6/22/2005 has been considered.

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 9, 33, 47, 49 and 51 are rejected under 35 U.S.C. 102(b) as being anticipated by Jamal (US Patent # 5,754,537).

Regarding claims 9, 33, 47, 49 and 51, Jamal teaches a remote station (column 10, lines 7-8), comprising: a data buffer for receiving data for transmission (column 10, lines 31-34 ); a message generator for generating an access request message when the data buffer contains data for transmission (column 11, lines 51-53); a receiver for receiving one or more common grant channels from a base station and for receiving a busy signal from the base station (see Fig. 6 ); a message decoder for decoding an access grant directed to the remote station, the access grant comprising a common grant on one of the one or more common grant channels (column 14, lines 33-36 the claimed common grant channels are shared channels which are inherent in the access grant); a transmitter for transmitting the access request message and for transmitting a portion of data from the data buffer in response to a decoded access grant in

accordance with the received busy signal (column 11, lines 32-34; column 11, lines 57-63).

### ***Allowable Subject Matter***

3. Claims 10-21 and 34-45 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 1-8, 22-32, 46,48 and 50 are allowable.

The following is a statement of reasons for the indication of allowable subject matter: As to claims 1-8, the prior art of record does not teach a scheduler for allocating a portion of the shared resources to zero or more of the requesting remote stations in response to the plurality of access requests, the allocation comprising zero or one common access grant to a subset of the requesting remote stations and for generating a busy signal command in response to the measured utilization. As to claims 22-32, the prior art of record does not teach transmitting a busy signal when the measured utilization exceeds a pre-determined threshold. As to claims 46, 48 and 50, the prior art of record does not teach means for transmitting a busy signal when the measured utilization exceeds a pre-determined threshold. As to claim

### ***Response to Arguments***

Art Unit: 2667

4. Applicant's arguments with respect to claims 1-51 have been considered but are moot in view of the new ground(s) of rejection.

### Conclusion

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alexander Boakye whose telephone number is (571) 272-3183. The examiner can normally be reached on M-F from 8:30am to 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiners' supervisor, Chi Pham, can be reached on (571) 272-3179. The Central Fax number is (571) 273-8300. Any inquiry of general nature or relating to the status of this application or proceeding should be directed to Electronic Business Center numbers 866-217-9197 and 703-305-3028.

Alexander Boakye

Patent Examiner

AB

9/03/05



CHI PHAM  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2000